

## **SOUTHSIDE STUDY AREA 2**

### **Limited Purpose Annexation Planning Study and Regulatory Plan**

#### Background

On August 22, 2002, the San Antonio City Council approved a resolution directing staff to prepare a plan leading to the limited purpose annexation of Southside Study Area 2, an unincorporated area located between State Highway 16 and Pleasanton Road outside Loop 410.

Limited purpose annexation triggers a requirement for conversion to full purpose status within three years unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners. State law establishes planning milestones for each of those three years:

- By the end of the first year, the City must prepare a land use and intensity plan to be a basis for services and capital improvement project (CIP) planning.
- By the end of the second year, the City must include the area in the long-range financial forecast and in the program to identify future CIP projects.
- By the end of the third year, the City must include CIP projects for the area in the adopted CIP program and identify potential sources of funding.

#### Area Description

The area proposed to be annexed for limited purposes covers approximately 3,666 acres generally extending from the south side of the City Limits between State Highway 16 and Moursund Boulevard and Pleasanton Road to the City Limit and Mauermann Road. A map of the area is found in Attachment 1.

Comprising the predominant use, approximately 72 percent of the study area is agricultural land. The remainder of the study area includes a range of land uses. Undeveloped and underdeveloped lands comprise about 12 percent of the study area. Public or institutional uses comprise about 7 percent of the area. Approximately 6 percent of the area currently is in commercial use. Residential uses comprise the remaining area.

The area's population is estimated at approximately 550 residents and contains about 187 dwelling units.

## Projected Ten Year Development with and without Limited Purpose Annexation

A significant percentage of the study area is undeveloped or underdeveloped. It is assumed that a portion of the area will experience growth due to the continued expansion of commercial uses along expressways and arterials. This growth is anticipated as a result of the growth in commercial truck traffic and rail cargo shipments. The further development of Kelly USA also could have positive development impacts in the study area. The anticipated development will occur with or without annexation.

It is assumed that residential uses will continue to grow. Again, this development will occur with or without annexation.

### Issues Supporting Limited Purpose Annexation

#### Public Benefit from Limited Purpose Annexation

Limited purpose annexation will enable the City to regulate the type and character of development and redevelopment through the application of zoning, site development standards, building codes and other regulatory tools not available in unincorporated areas. Regulations for nonconforming uses will provide for the gradual elimination of existing incompatible uses.

The three year period between limited purpose annexation and full purpose annexation will give the City additional time to plan for the provision of services in the study area. Property owners in the area will have three years to plan for the financial impact of full purpose annexation.

### Economic, Environmental and Other Impacts of the Limited Purpose Annexation

Limited purpose annexation will establish a framework for comprehensive planning for the area. After an area is annexed for limited purposes, the City will begin planning for the delivery of services. Furthermore, the application of zoning, development standards and building codes will help ensure quality development or redevelopment and protect property values by ensuring that all new development and redevelopment meets higher standards than would otherwise be enforced. Zoning regulations will protect property owners, businesses and residents from the intrusion and expansion of incompatible uses.

The study area is rich in natural, agricultural, archeological and historical resources. This array of resources provides a unique opportunity to promote sustainable development, cultivate heritage and ecotourism initiatives, and maintain current agribusiness and mineral extraction activities in a manner that protects the public health, safety and welfare.

## *Agriculture*

Presently, agri-business takes advantage of the Blackland Prairie and Coastal Plains soils. The Blackland Prairie's fertile and workable soils made it the principal cotton-producing area of Texas until the 1930's. The topography contrasts from gentle rolling to nearly level soils. Historically, these soils of dark clay and sandy loam were covered with grasses. The Coastal Plains predominantly consists of brush lands.

Resource protection zoning may be recommended as a means for protecting farm and ranch lands on the urban fringe from development. Through this type of zoning, productive farm and ranch land near the metropolitan area is kept in use and the rural character is preserved. Resource Protection Zoning Districts are composed mainly of unsubdivided lands that are vacant or in agricultural use with a limited number of dwellings and accessory uses.

## *Residential Development*

Small pockets of residential development exist in the study area. It is assumed that residential uses will continue to grow. The study area has three independent school districts: Southside, Southwest and Somerset. The Southside Independent School District has experienced a six to eight percent annual growth rate. For 2001-2002, the enrollment was 4,650. In 2006-2007, the projected enrollment is 6,092. If annexed, the Southwest Independent School District anticipates an 11 percent increase in enrollment from 9,140 in 2001-2002 to 10,185 in 2005-2006. Only a small portion of Somerset ISD is located within the study area.

Future residential development should be planned to protect the area's valuable resources while enhancing property values. A land use plan would promote planned development and compatible adjacent uses.

The land use plan could include the application of smart growth principles such as traditional, mixed-use communities that are pedestrian and transit friendly and consume less resources. One of the use patterns that could be applied is traditional neighborhood development (TND). TNDs feature a highly interconnected street network and setbacks appropriate to create a public realm built on a human scale. A TND should be developed such that the street network recognizes and complements a site's topography and other natural features.

The conservation or cluster subdivision is a zoning tool that protects valuable greenways and rich ecological resources by providing bonus densities for land preservation. The cluster subdivision permits a reduction in lot area and bulk

requirements when the remaining land area is devoted to open space, preservation of environmentally sensitive areas, recreation or agriculture. Conservation subdivisions generally are used in conjunction with a regional plan for a network of trails, bikeways, wildlife corridors or riverside areas. Often utilized with cluster subdivisions, conservation easements protect stream and riverbanks while sometimes providing public access and ad valorem tax benefits. In these cases, the owner keeps the land while providing guaranteed open space in the area. These innovative zoning and development regulations help shape urban development while retaining natural scenic resources.

### *Transportation and Commerce*

It is assumed that commerce will continue to expand, locating along expressways and arterials. The enactment of the North American Free Trade Agreement (NAFTA) on January 1, 1994 and sustained national economic growth has significantly increased trade between the US and Mexico. This increase in economic activity has contributed to the rise in commercial truck traffic in South Texas. Truck traffic volumes may continue to increase on State Highway 16. From 1990 through 1996, northbound truck traffic from Mexico increased by 30% and southbound traffic will likely increase in the future.

Likewise, rail cargo shipments are increasing as a result of international trade. Union Pacific Railroad provides the primary rail connection between the US and Mexico. One main rail line is located in the study area. Union Pacific Railroad is one of the largest intermodal carriers – that is the transport of truck trailers and marine containers. Presently, Union Pacific Railroad is planning an intermodal terminal to handle the increasing number of cargo transfers in San Antonio.

Kelly USA, located north of the study area, also will contribute to the study area's growth. The Greater Kelly Development Authority is charged with the development of the former air base, Kelly USA, as a major business and industrial park that will continue to grow as a warehouse and distribution center for truck and rail cargo. To better access Kelly USA, the alignment of the proposed Kelly Parkway extends approximately from US Highway 90 and General Hudnell, parallels Quintana Road and connects Loop 410, IH-35 and State Highway 16. An Aesthetics and Landscape Master Plan for Kelly Parkway recommends urban design elements including landscaping, special lighting, hike and bike trails, public art and distinctive design elements at major intersections portraying historical themes of San Antonio. It is likely that future commercial and industrial development will follow the construction of this "signature" expressway.

It is assumed that industrial uses may expand as international trade opportunities expand. Additionally, expansion of commercial truck servicing and

travel related commerce is anticipated. Industrial districts promote the safe storage of hazardous materials in locations that do not endanger neighborhoods and ensure that land uses and development are compatible in their use, character and size to the site and surrounding areas. The industrial districts require convenient access to existing and future thoroughfares and accommodate uses that are environmentally severe or generate high volumes of truck traffic. The establishment of zoning provides for orderly development and concentration of industrial and manufacturing uses.

Commercial zoning districts would permit commercial activities designed to serve the neighborhood, community or region, while ensuring compatible development and appropriate buffers between residential and commercial uses.

### *Water Resources*

Regulations pertaining to flood plain protection and storm water management will provide adequate measures for the retention, detention and distribution of storm water in a manner that minimizes the possibility of adverse impacts of both water quality and water quantity during development. To further protect the area's natural character, natural storm water conveyance systems including earthen drainage channels, temporary ponds and on-site storage currently are options provided for in the City's development code.

Surface water resources in the area are Comanche Creek and Mitchell Lake. Comanche Creek rises near the junction of Loop 410 and State Highway 16 and runs southeast for four miles to its mouth on Leon Creek, northwest of Cassin. Located partially within the study area, Mitchell Lake has a surface area of approximately 600 acres, with an average water depth of less than 8 feet. Mitchell Lake currently is operated and managed by the San Antonio Water System (SAWS).

Historically, Spanish settlers in the early 1700's used Mitchell Lake as a watering hole for cattle and called the area "Laguna de los Patos" or "Lake of the Ducks." In the late 1800's, the site was owned by the Mitchell family and was popular for waterfowl hunting. The marshy setting provided a quality riparian habitat. Shortly after the turn of the century, the lake was purchased by the City of San Antonio and a dam was constructed to create one of the earliest centralized wastewater treatment facilities for the City. In the late 1930's, the Rilling Road Wastewater Treatment Plant was built upstream of the lake to increase capacity and improve effluent water quality. The Rilling Road Wastewater Plant continued to discharge into the lake until 1987 when Dos Rios Water Treatment Plant came on-line.

The City started efforts to reclaim the area in 1973 by declaring the lake a refuge for shore birds and waterfowl. After 1987, in order to maintain the water level in the lake and safeguard the habitat, a portion of the treated effluent from the Leon Creek Water Recycling Center was discharged into the lake. This practice continues to the present day. In the early 1990's, an engineering analysis of the lake's water quality and the dam structure was prepared to assess the current conditions. The results of these studies indicated no hazardous materials and lake water quality was within standards set by the Texas Natural Resource Conservation Commission (TNRCC). Since 1992, SAWS has spent over \$1 million in studying and planning for the development of Mitchell Lake and the surrounding area. These studies include development of a managed wetland for waterfowl and shore bird ecosystem, the use of the lake water for irrigation of the adjacent Mission Del Lago Golf Course, continued water quality assessment of the lake by SAWS staff, the San Antonio River Authority and local consultants, and the conceptual design of amenities for continued lake area use by the public for education and research. SAWS has actively solicited input from citizen committees and developers including the San Antonio Audubon Society, the Mitchell Lake Wetlands Society and the Southside Chamber of Commerce. In 1998, SAWS appointed a full-time Environmental Project Manager to facilitate the development of a Master Plan for the entire SAWS property and continued community coordination efforts. SAWS is researching the availability of public and private funding sources to develop and manage the facility as an educational and research wetlands project. This effort will promote eco-tourism and provide educational benefits for the community.

The Edwards-Trinity Aquifer underlies the study area and yields fresh to slightly saline water. Directly south of the study area is the recharge zone for the Carrizo-Wilcox Aquifer, one of the most extensive water-bearing formations in Texas. This aquifer furnishes water to wells yielding fresh to slightly saline water that is acceptable for most irrigation, public supply and industrial uses. The San Antonio Water System currently is constructing an Aquifer Storage Recovery Facility to store drinking water underground. The technology utilizes existing formations to store water. In addition to the water storage facility, SAWS is constructing a water treatment plant for Carrizo-Wilcox water southeast of the study area. This plant will reduce pumping from the Edwards Aquifer during summer months and during drought conditions.

### *Open Space and Parks*

The protection and development of natural areas would promote ecotourism and provide opportunities for recreation. A diversity of plant life characterizes the study area. The northern sector of the study area has Blackland Prairies species. The original tall bunch grass has been replaced by Buffalograss and Texas grama. A variety of oaks, pecan, hackberry, elm and mesquite can be found

along streams. The southern sector consists of dry land vegetation primarily small trees, shrubs, cactus, weeds and grasses. The southern sector is noteworthy for its brushlands, known as the brush country, also known as *la brasada* (small thickets of thorn brush), *el monte* or *el chaparral*. Principal plants are mesquite, small live oak, post oak, prickly pear cactus, catclaw, blackbrush, whitebrush, huajillo, huisache, cenizo and others which provide dense cover. The study area is a destination for migratory birds. Bird watching is a fast growing tourist activity across the state of Texas.

Open space regulation is instrumental in preserving habitat, protecting the quality and quantity of water resources, providing an alternative means to manage storm water runoff, promoting good air quality and creating opportunities for recreation and education. New subdivisions of 25 lots or greater would be subject to parks/open space standards. A comprehensive plan could address the extension of a regional system of greenways along creeks and the Medina River to connect parks and recreation areas.

#### *Scenic, Cultural and Historic Resource Protection*

Historic structures in the southern Bexar County area may be endangered by unregulated development, traffic, deterioration or vandalism. The City's code provides mechanisms to preserve elements of our cultural heritage including buildings, monuments, *acequias* and other features. The study area was surveyed in 1973 and in 1999. The two surveys indicate a loss of historic resources, a process that could be abated by the implementation of zoning.

Protecting the outstanding scenic and rural qualities of corridors and historic landscapes would provide an impetus for heritage tourism. Corridors that could merit protection are areas along roads with outstanding vistas, historic bridges and railroad rights-of-way. Zoning regulations and development codes could control the installation of new signs, billboards, and utilities; eliminate visual clutter; protect scenic views and preserve historic sites.

Spearheaded by the Alamo Area Council of Governments and advocates in several Texas counties, including Bexar County, a national initiative to designate El Camino Real de los Tejas as a National Historic Trail currently is underway. El Camino Real, also known as the Lower Presidio Road and the Old San Antonio Road, is in the vicinity of Old Pleasanton Road in the study area. Upon designation, technical assistance to interpret and market this historic Spanish Colonial Road as a heritage tourism resource would be available, on a voluntary basis, to the owners of property that the trail traverses. Two additional historic roads in the study area that warrant investigation are 1) *El Camino de Palo Alto* or *El Camino de Agua Negra* (circa 1848-1860), near the vicinity of State

Highway 16 and 2) Old San Antonio-Laredo Road, circa 1755-1860 – near vicinity of Old Pleasanton Road.

Several of the early leaders of San Antonio are buried in the southern portion of Bexar County in a number of old and possibly historic cemeteries, among them Jose Francisco Ruiz and Asa Mitchell. Jose Ruiz was born in San Antonio on January 29, 1783. He was one of the four representatives of Bexar County at the convention of 1836 at Washington on the Brazos. A signer of the Declaration of Independence, he represented Bexar County in the Senate of the first Congress. Francisco Ruiz, his son, was the acting mayor of San Antonio in 1836. Asa Mitchell was one of Stephen F. Austin's "Old 300" who came to Texas in 1822. He was an early advocate of Texas independence, helping draw up the Declaration of Independence and fighting in the Battle of San Jacinto. Mitchell County is named for him.

#### *Oil and Gas Extraction and other Environmental Hazards*

Petroleum and natural gas extraction activities occur in the study area. A special overlay zoning district for oil and gas extraction and production permitting is a regulatory option for this area that would protect the public health, safety and welfare of persons in present and future residential developments. An overlay district may provide for registration of existing wells; distance requirements from residences, schools, colleges, hospitals, churches, cemeteries and parks; inspections; drilling operations; re-entry; well servicing; screening; bonding and insurance requirements for well operators; pipeline safety; and well-plugging and abandonment processes. Illegal dumpsites and other potential environmental hazards could be controlled through the city's development and nuisance codes.

#### Proposed Zoning for the Area

Pursuant to §43.127 (b) of the Local Government Code, the City will develop a land use and intensity plan as a basis for services and capital improvement projects planning by the end of the first year after the date an area is annexed for limited purposes. After completion of this plan, suitable zoning designations may be recommended for the area based on the plan. The Zoning Commission will hold at least one public hearing and make a recommendation to the City Council concerning any rezoning. The City Council will hold a public hearing and adopt any changes to the zoning map.

Factors that will be used to recommend appropriate zoning include consideration of the public health, safety, and general welfare and protection of historical and cultural areas. The City shall consider the size, shape and characteristics of parcels and their suitability for different types of development intensity. In addition to the factors that may be set out in the land use and intensity plan,

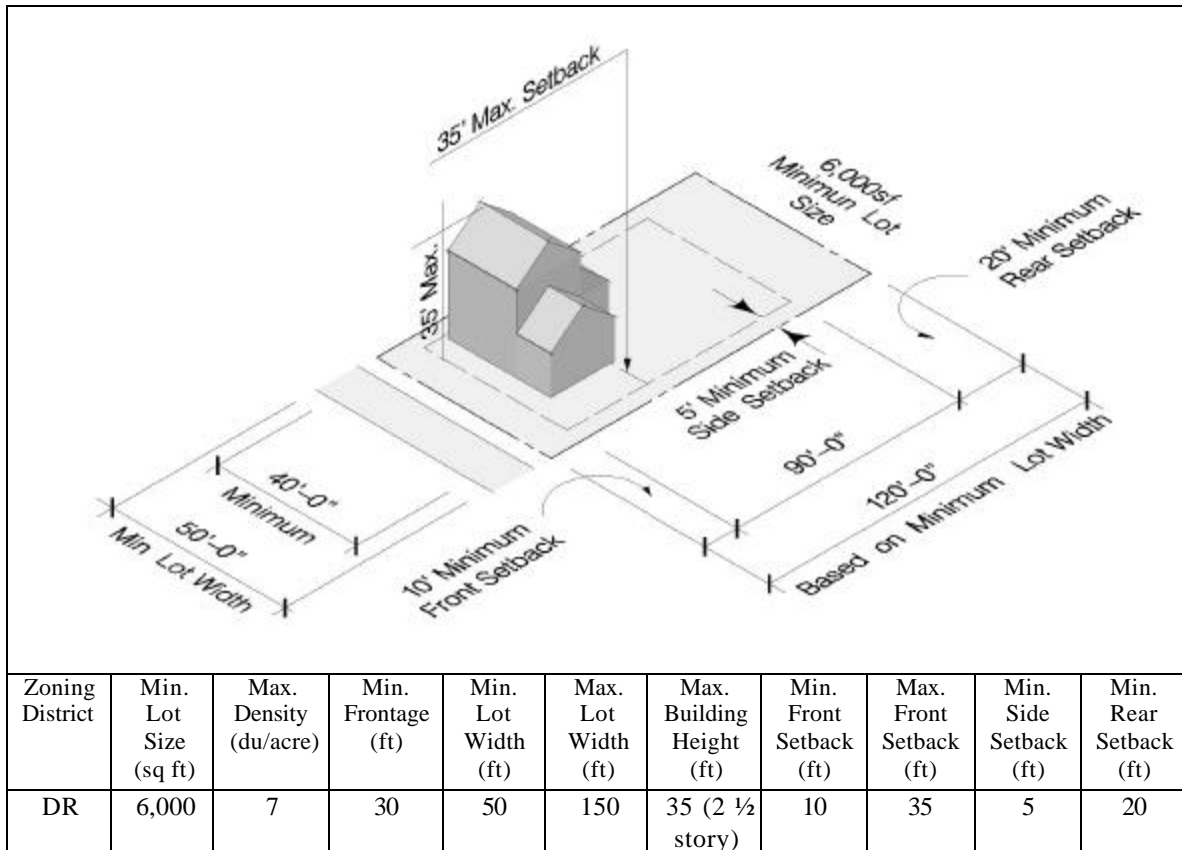
general Master Plan goals to promote affordable housing, economic development, and smart growth principles such as mixed-use, pedestrian oriented development also may guide the zoning decisions. Providing an alternative to urban sprawl, smart growth principles focus on creating more resource efficient and livable communities, with more accessible land use patterns. The City finds that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution and social alienation. Accordingly, zoning designations which promote mixed uses subject to high degree of design control are not necessarily deemed inconsistent and shall be considered.

From the effective date of the limited purpose annexation until the property is subsequently rezoned, the area will be treated for development purposes in accordance with §35-352 of the Municipal Code, which provides for Development Reserve ("DR") zoning for newly annexed property. While use restrictions are imposed pursuant to the DR district, it is recognized that the annexed property may be compatible for a use permitted in other zoning districts. It is the policy of the City to initiate rezoning of the property to an appropriate zoning classification upon completion of the land use and intensity study.

Uses permitted by right within the DR zoning district include all uses permitted in the R-6 Residential Single-Family zoning district which include single family homes, churches, schools, nurseries, recreation facilities and accessory uses. Nonconforming rights may be granted to newly annexed area in accordance with §35-703 of the Municipal Code. The development standards applicable to a DR zoning district shall be those required within the R-6 zoning district until the property is rezoned to another zoning district.

§35-352 and –703 are attached to this study (see Attachment 2). Any comments regarding the proposed rezoning will be considered at the public hearings for the proposed limited purpose annexation.

Dimensional Standards for DR Zoning Districts:



## Regulatory Plan

### Development Regulations

The following planning, zoning, health and safety ordinances will be enforced in the area if annexed for limited purposes:

- Building Code (Chapter 6 of the Municipal Code)
- Electricity Code (Chapter 10 of the Municipal Code)
- Fire Prevention Code (Articles III and IV of Chapter 11 of the Municipal Code)
- Solid Waste Code specifically pertaining to Lot Clearance (Article V of Chapter 14 of the Municipal Code)
- Licenses and Business Regulations specifically pertaining to Salvage Yards and Auto Dismantlers (Article VII of Chapter 16 of the Municipal Code)
- Plumbing Code (Chapter 24 of the Municipal Code)
- Signs and Billboards (Chapter 28 of the Municipal Code)
- Water and Sewers (Chapter 34 of the Municipal Code)
- Unified Development Code (Chapter 35 of the Municipal Code), including, but not limited to, all zoning regulations

and all subsequent amendments, replacement ordinances, and related technical and illustrative manuals to these ordinances. The City has used its best efforts to provide accurate references to the Municipal Code sections in which the ordinances described above are codified. In the event that a portion of the Municipal Code listed above contains a reference to a portion of the Municipal Code or another City Ordinance that is not listed above then, to the extent necessary to either provide meaning to or to carry out the meaning of the listed portions, the referenced portions of the Municipal Code or other City Ordinances shall also apply. Any failure to list all relevant Municipal Code references is inadvertent and will not affect enforcement of the ordinances by the City.

The adopted regulatory plan must be the same as the proposed regulatory plan unless the San Antonio City Council finds and states in the ordinance the reasons for adoption of a different regulatory plan. The San Antonio City Council by ordinance may change an adopted regulatory plan if, in the ordinance making the change, the City Council finds and states the reasons for the adoption of the change.

#### Future Full Purpose Annexation

The area will be included within the City's full purpose jurisdiction within three years of the effective date of the limited purpose annexation ordinance unless the date for full purpose annexation is postponed by written agreement between the City and a majority of the affected landowners.

## Attachment 1: Southside Study Area 2 Map



## Attachment 2: Excerpts from the Unified Development Code

## **35-352      *Development Reserve (“DR”)***

### **(a)      *Purpose***

The purpose of the Development Reserve (“DR”) zoning district is to provide a temporary zoning classification for newly-annexed property. While use restrictions are imposed pursuant to the “DR” district:

- (1) it is recognized that the annexed property may be compatible for a use permitted in any zoning district; and
- (2) it is the policy of the City to rezone the property to an appropriate zoning classification as soon as practicable.

### **(b)      *Development Restrictions within “DR” Zoning Districts***

- (1) Uses permitted within a “DR” zoning district shall be the uses permitted in the “R-6” zoning district unless and until the property is rezoned to another zoning district.
- (2) The development standards applicable to a “DR” zoning district shall be the those required within the “R-6” zoning district unless and until the property is rezoned to another zoning district.

## **35-703      *Newly annexed territory.***

Nonconforming rights may be granted to newly annexed areas in accordance with the following provisions and upon payment of the fees specified in Exhibit C. All applications for nonconforming rights must be filed within sixty (60) days of the effective date of annexation.

### **(a)      *Incomplete construction.***

Construction may be completed on any structure legally under construction upon annexation provided:

- (1) The owner or his designated representative applies to the director of building inspections for a permit to authorize further work on the structure stating the proposed use of the structure and attaching thereto the plans and specifications relating to the construction; and
- (2) The construction is completed within two (2) years of the effective date of annexation.

Action on the permits shall be taken by the director of building inspections within fifteen (15) days from the date of application. The director shall deny the permit if he finds that the construction will not meet the requirements of the building, fire protection, or minimum housing

codes and other applicable ordinances and codes of the city. If the permit is refused, the construction work shall cease until necessary corrections are made.

**(b) *Proposed construction.***

Proposed construction may be completed upon a finding by the zoning commission that sufficient evidence exists that planning for the proposed use was in progress prior to annexation, as prescribed by Appendix B to this Chapter. Within fifteen (15) days from the date of such filing, the director shall present the evidence to the zoning commission for their determination, unless the applicant agrees to a longer period. The applicant shall have twelve (12) months from the date of the zoning commission's favorable determination to secure all building permits. After that time, the nonconforming rights shall expire.

**(c) *Master Development plans.***

Newly annexed areas may be entitled to nonconforming rights for a master development plan upon favorable consideration by the zoning commission. The zoning commission shall conduct a public hearing on the nonconforming rights master development plan after giving notice to the owners of property within two hundred (200) feet in the manner provided in section 35-403 for a rezoning. The purpose of the public hearing shall be to ascertain (1) the extent to which development of the master development plan had progressed prior to annexation and (2) the extent to which the master plan complies with the policies and objectives of the city's Land Use Plan. If the zoning commission approves the master development plan, construction in conformance with the plan must begin within one (1) year, with all portions of the plan either completed or under construction within five (5) years from the date of annexation. After that time, the nonconforming rights shall expire.